



June 30, 2010

Robert Harmatz

43 Timber Ridge Dr.

Oyster Bay, New York 11771

Dear Mr. Picard:

I am not accepting your claim in your letter to me of June 3, 2010. Please review as you ended your transaction statement as of 7/14/1997. As noted in my original claim my final statement was 11/30/2008(copy enclosed). It appears that the mistake made was in the account numbers. Account # 1H0013 becomes account # 1H011430 and as such it should follow to Nov. 2008. These account numbers are for one account only and this transfer is noted in your letter of June 3, 2010. In my original claim I gave you copies of checks totaling \$750,000 given to BMIS. One for \$250,000 was given in 2002 and one for \$500,000 was given in 2005.

Please further review.

Sincerely yours,


Robert Harmatz

BERNARD L. MADOFF INVESTMENT SECURITIES LLC

In Liquidation

DECEMBER 11, 2008¹

NOTICE OF TRUSTEE'S DETERMINATION OF CLAIM

June 3, 2010

Robert A. Harmatz
43 Timber Ridge Drive
Oyster Bay, New York 11771

Dear Robert A. Harmatz:

PLEASE READ THIS NOTICE CAREFULLY.

The liquidation of the business of BERNARD L. MADOFF INVESTMENT SECURITIES LLC ("BLMIS") is being conducted by Irving H. Picard, Trustee under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. ("SIPA"), pursuant to an order entered on December 15, 2008 by the United States District Court for the Southern District of New York.

The Trustee has made the following determination regarding your claim on BLMIS Account No. 1H0013 designated as Claim Number 002966:

Your claim for securities is **DENIED**. No securities were ever purchased for your account.

Further, based on the Trustee's analysis, the amount of money you withdrew from your account at BLMIS (total of \$317,830.81), as more fully set forth in Table 1 annexed hereto and made a part hereof, is greater than the amount that was deposited with BLMIS for the purchase of securities (total of \$200,000.00). As noted, no securities were ever purchased by BLMIS for your account. Any and all profits reported to you by BLMIS on account statements were fictitious.

¹ Section 78lll(7)(B) of SIPA states that the filing date is "the date on which an application for a protective decree is filed under 78eee(a)(3)," except where the debtor is the subject of a proceeding pending before a United States court "in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term 'filing date' means the date on which such proceeding was commenced." Section 78lll(7)(B). Thus, even though the Application for a protective decree was filed on December 15, 2008, the Filing Date in this action is on December 11, 2008.

As reflected in Table 1, certain of the transfers into or out of your account have been adjusted. As part of the Trustee's analysis of accounts, the Trustee has assessed accounts based on a money in/money out analysis (i.e., has the investor deposited more or less than he or she withdrew from BLMIS). This analysis allows the Trustee to determine which part of an account's balance is originally invested principal and which part is fictitious gains that were fabricated by BLMIS. A customer's allowed claim is based on the amount of principal in the customer's account.

Whenever a customer requested a transfer from one account to another, the Trustee analyzed whether the transferor account had principal in the account at the time of the transfer. The available principal in the account was transferred to and credited in the transferee account. Thus, the reason that the adjusted amount of transferred deposits or withdrawals in Table 1 is less than the purported transfer amount is that the transferor account did not have sufficient principal available to effectuate the full transfer. The difference between the purported transfer amount and the adjusted transfer amount is the amount of fictitious gain that was transferred to or from your account. Under the money in/money out analysis, the Trustee does not give credit for fictitious gains in settling your allowed claim.

Since there were no profits to use either to purchase securities or to pay you any money beyond the amount that was deposited into your BLMIS account, the amount of money you received in excess of the deposits in your account (\$117,830.81) was taken from other customers and given to you. Accordingly, because you have withdrawn more than was deposited into your account, you do not have a positive "net equity" in your account and you are not entitled to an allowed claim in the BLMIS liquidation proceeding. Therefore, your claim is **DENIED** in its entirety.

On March 1, 2010, the United States Bankruptcy Court for the Southern District of New York (Lifland, J.) issued a decision which affirmed the Trustee's Net Investment Method for determining customer claims. The final resolution of this issue is expected to be determined on appeal.

Should a final and unappealable court order determine that the Trustee is incorrect in his interpretation of "net equity" and its corresponding application to the determination of customer claims, the Trustee will be bound by that order and will apply it retroactively to all previously determined customer claims in accordance with the Court's order. Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by you in having your customer claim re-determined in accordance with any such Court order.

Nothing in this Notice of Trustee's Determination of Claim shall be construed as a waiver of any rights or claims held by the Trustee against you.

PLEASE TAKE NOTICE: If you disagree with this determination and desire a hearing before Bankruptcy Judge Burton R. Lifland, you **MUST** file your written opposition, setting forth the grounds for your disagreement, referencing Bankruptcy Case No. 08-1789 (BRL) and attaching copies of any documents in support of your position, with the United States Bankruptcy Court and the Trustee within **THIRTY DAYS** after June 3, 2010, the date on which the Trustee mailed this notice.

PLEASE TAKE FURTHER NOTICE: If you do not properly and timely file a written opposition, the Trustee's determination with respect to your claim will be deemed confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: If you properly and timely file a written opposition, a hearing date for this controversy will be obtained by the Trustee and you will be notified of that hearing date. Your failure to appear personally or through counsel at such hearing will result in the Trustee's determination with respect to your claim being confirmed by the Court and binding on you.

PLEASE TAKE FURTHER NOTICE: You must mail your opposition, if any, in accordance with the above procedure, to each of the following addresses:

Clerk of the United States Bankruptcy Court for
the Southern District of New York
One Bowling Green
New York, New York 10004

and

Irving H. Picard, Trustee
c/o Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111



Irving H. Picard

Trustee for the Liquidation of the Business of
Bernard L. Madoff Investment Securities LLC

08-01789-cgm Doc 2526 Filed 07/06/10 Entered 07/08/10 14:16:38 Main Document
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10/18/1996	CHECK JONES APPAREL	(\$2,292.50)	(\$2,292.50)
11/14/1996	CHECK NEWBRIDGE NETWORKS	(\$2,552.50)	(\$2,552.50)
12/18/1996	CHECK FIRST DATA	(\$2,299.50)	(\$2,299.50)
2/21/1997	CHECK DEAN WITTER	(\$4,088.75)	(\$4,088.75)
3/27/1997	CHECK NATIONS BANK	(\$2,308.25)	(\$2,308.25)
5/2/1997	CHECK PHILIP MORRIS	(\$2,321.62)	(\$2,321.62)
6/9/1997	CHECK COLGATE	(\$3,089.00)	(\$3,089.00)
7/9/1997	CHECK MOBIL CORP	(\$2,326.00)	(\$2,326.00)
7/14/1997	TRANS TO 1H011430	(\$207,239.20)	\$0.00
Total Withdrawals:		(\$525,070.01)	(\$317,830.81)
Total deposits less withdrawals:		(\$325,070.01)	(\$117,830.81)

Please note

BERNARD L. MADOFF
INVESTMENT SECURITIES LLC
New York ☐ London

885 Third Avenue
New York, NY 10022
(212) 230-2424
800 334-1343
Fax (212) 838-4061

ROBERT A HARMATZ

43 TIMBER RIDGE DRIVE
OYSTER BAY NY 11771

YOUR ACCOUNT NUMBER
1-H0114-3-0

YOUR TAX PAYER IDENTIFICATION NUMBER
*****8783

PERIOD ENDING
11/30/08

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Modified Securities International Limited
12 Berkeley Square
Mayfair, London W1J 8JP
Tel 020 7405 6888

BOUGHT RECEIVED OR LONG	SOLD DELIVERED OR SHORT	TRN	DESCRIPTION	PRICE OR SYMBOL	AMOUNT DEBITED TO YOUR ACCOUNT	AMOUNT CREDIT TO YOUR ACCOUNT
572		3718	BALANCE FORWARD	55.830	62,702.17	
374		4220	MAL-MART STORES INC	87.270	31,956.76	
1,386		8044	INTERNATIONAL BUSINESS MACHS	72.880	32,652.98	
1,518		8546	EXXON MOBIL CORP	14.510	101,066.68	
726		12872	INTEL CORP	59.580	22,086.18	
990		17197	JOHNSON & JOHNSON	38.530	43,284.08	
528		21523	J.P. MORGAN CHASE & CO	44.660	38,183.70	
308		25849	COCA COLA CO	55.370	23,601.48	
572		30175	MCDONALDS CORP	28.550	17,065.96	
2,090		34501	MERCK & CO	21.810	16,352.60	
1,056		38827	MICROSOFT CORP	17.300	45,665.90	
418		51805	ORACLE CORPORATION	56.410	18,310.80	
242		52307	PEPSICO INC	100.780	23,595.38	
1,782		56131	APPLE INC	16.940	24,397.76	
418		56633	PFIZER INC	54.610	30,258.08	
792		60457	ABBOTT LABORATORIES	64.080	22,842.98	
286		60959	PROCTER & GAMBLE CO	59.160	50,782.36	
550		64783	AMGEN INC	43.600	16,930.76	
1,320		65285	PHILLIP MORRIS INTERNATIONAL	21.590	24,002.00	
440		69109	BANK OF AMERICA	33.770	28,550.80	
1,430		69611	QUALCOMM INC	12.510	14,875.80	
330		73435	CITI GROUP INC	49.480	17,946.30	
792		73937	SCHLUMBERGER LTD	16.510	16,341.40	
			COMCAST CORP		13,106.92	
			CL A			

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